

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 17, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STEVEN C.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

NO: 4:21-CV-5082-RMP

ORDER GRANTING PARTIES'
STIPULATED MOTION TO
REMAND

BEFORE THE COURT is the parties' Stipulated Motion to Remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 15. Plaintiff Steven C.¹ is represented by attorney D. James Tree. The Commissioner of Social Security is represented by Special Assistant United States Attorney David J. Burdett.

After consideration, **IT IS HEREBY ORDERED** that the parties' Stipulated Motion for Remand, **ECF No. 15**, is **GRANTED**. Pursuant to the parties' stipulation, the Commissioner's final decision is **reversed and remanded** for

¹ The Court uses Plaintiff's first name and last initial to protect his privacy.

1 further proceedings pursuant to sentence four of 42 U.S.C. §405(g). Pursuant to the
2 parties' agreement, upon remand to the Commissioner of Social Security, the
3 Appeals Council will consider whether to issue an immediate favorable decision. If
4 the Appeals Council does not issue an immediate favorable decision, the Appeals
5 Council will remand the case to a new Administrative Law Judge ("ALJ") and direct
6 the ALJ to:

- 7 • further develop the record;
- 8 • offer the claimant an opportunity for a hearing;
- 9 • take any action necessary to complete the administrative record;
- 10 • reconsider the case in light of the full record;
- 11 • and issue a new decision.

12 *See* ECF No. 15 at 1–2.

13 Upon proper presentation, this Court will consider Plaintiff's application for
14 costs and attorney's fees under 28 U.S.C. §§ 1920, 2412(d).

15 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary
16 Judgment, **ECF No. 12**, is **DENIED AS MOOT**.

17 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
18 Order, provide copies to counsel, enter judgment in favor of Plaintiff, and **close the**
19 **file.**

20 **DATED** March 17, 2022.

21 *s/ Rosanna Malouf Peterson*
ROSANNA MALOUF PETERSON
Senior United States District Judge